



San Diego Community College District Police Department Policy and Procedures

3.05 JUVENILE PROCEDURES

EFF. 10/01/19

I. PURPOSE

This Department procedure establishes guidelines for the custody, care, and disposition of juvenile offenders.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

The "Juvenile Law" section contained in the Welfare and Institutions Code is primarily concerned with the protection of the juvenile offender. However, the law also recognizes the need to protect the public from criminal conduct by minors and to impose upon minors a sense of responsibility for their own acts. In carrying out this intent, the law recognizes that detention is sometimes necessary.

A. Peace officers have the following legal alternative dispositions for juveniles taken into temporary custody, per Welfare and Institutions Code §626:

1. Release the juvenile to a parent, guardian, responsible adult, or on their own recognizance;
2. Refer or deliver the juvenile to an agency for shelter, care, counseling, or diversion.
3. Complete a Juvenile Contact Report (ARJIS-8) with a statement of the reasons the minor was taken into custody and immediately release the juvenile; or,
4. Deliver the juvenile to a probation officer (Juvenile Hall).

B. Welfare and Institutions Code §626 specifies that the disposition selected should be the one that least restricts the minor's freedom of movement, provided it is in the best interest of the minor and the community.

IV. DEFINITIONS

- A. JCR – Juvenile Contact Report (ARJIS-8).
- B. Law Enforcement Facility – includes a police facility, but does not include a jail.
- C. Minor – a term meaning the same as juvenile; a person under 18 years of age.
- D. Non-secure Detention – the condition in which a juvenile is in temporary custody and the juvenile's freedom of movement is controlled by the staff of the facility, and the juvenile:
 - 1. Is under constant observation and supervision;
 - 2. Is not locked in a room or enclosure; and,
 - 3. Is not physically secured to a cuffing rail or other stationary object.

Example of non-secure detention: The juvenile can free himself of the building in case of fire.

- E. Temporary Custody – the condition in which a juvenile is not at liberty to leave.
- F. Welfare and Institutions Code § 601 – juveniles subject to the jurisdiction of juvenile court and to adjudication as a ward for refusal to obey orders of parents, for violation of curfew, or truancy (Status Offenses).
- G. Welfare and Institutions Code § 602 – juveniles subject to the jurisdiction of the juvenile court and to adjudication as a ward for violation of law or an ordinance defining a crime (Criminal Offenses).
- H. WIC – Welfare and Institutions Code.
- I. SDPD JST – San Diego Police Department Juvenile Services Team.

V. ARREST

- A. Welfare and Institutions Code § 625 details the circumstances in which an officer can take a juvenile into custody. The laws of arrest for juveniles are essentially the same as for adults, with one major exception, an officer may arrest a juvenile for a misdemeanor not committed in his or her presence, if probable cause exists.
- B. Officers should take photographs suitable for line-up purposes and a full set of fingerprints from all juveniles detained for 602 WIC. The officer must complete the "Final Disposition" block on the fingerprint cards, stating the officer's disposition of

the juvenile.

- C. Officers must fingerprint juveniles arrested on felony charges.
- D. The officer will complete three fingerprint cards and attach them to a copy of the JCR. The officer will forward the fingerprint cards and JCR to the appropriate SDPD area command JST detective. The detective will determine the disposition and forward the packet to the SDPD Juvenile Records Section at MS 726. Records Division personnel will send fingerprint cards to the Sheriff's Department for entry into the local database and to the Department of Justice, Bureau of Criminal Identification, to be entered into Cal-ID. Copies of fingerprint cards are not acceptable.
- E. On weekdays between the hours of 0700 and 1700, when an officer has taken a juvenile into custody and placed him or her in Juvenile Hall, the officer should notify the area SDPD JST sergeant of the arrest.
- F. Juvenile Hall cannot accept minors under 12 years of age without a judge's approval.
- G. Juvenile Hall will accept 18 year olds, until their 19th birthday, with "No Bail" warrants originating in Juvenile Court.
- H. Officers should take juveniles with traffic warrants directly to the deputies at Traffic Court. If the arrest occurs after business hours, the juvenile is to be taken to Juvenile Hall. Juvenile Hall will handle the Promise/Order to Appear and will return the juvenile to a parent or guardian.

VI. ADMONISHMENT

- A. In any case where a juvenile, as described in Welfare and Institutions Code § 601 or 602, is taken into temporary custody, the officer must Mirandize the juvenile when it is reasonable and practical to do so, whether the officer is going to question the juvenile about the crime for which he or she has been taken into custody, as required in Welfare and Institutions Code § 625.
- B. Prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.
- C. If the juvenile is not going to be questioned, officers are not to ask either of the two questions that would lead to a waiver or invocation of the juvenile's rights.

- D. The officer must inform the juvenile of the purpose of the arrest, the expected duration, and that it cannot exceed six hours, as required in Welfare and Institutions Code § 207.1 (d)(1) and (2).

VII. INFRACTION OR MISDEMEANOR FIELD RELEASES

- A. Officers may “field release” a juvenile arrested for any infraction or misdemeanor if the juvenile can provide satisfactory evidence of personal identification and the juvenile is a resident of San Diego County.
- B. If the juvenile is not a resident of San Diego County, it is not likely they will return for court on an infraction or a misdemeanor; therefore, another disposition is appropriate.
- C. To release a juvenile in the field for a non-traffic related offense, a Juvenile Contact Report (ARJIS-8) must be completed. Officers must enter "Field Release" in the field disposition box of the JCR. The officer should contact the juvenile’s parent or guardian, advising them of the arrest before the end of shift.
- D. Officers may not release a juvenile in the field if:
1. The juvenile is under 14 years of age;
 2. The juvenile is under the influence of alcohol or drugs;
 3. The juvenile requires medical attention or is unable to care for his/her own safety;
 4. The crime involves a great deal of criminal sophistication;
 5. The immediate release of the juvenile would jeopardize the prosecution of the offense(s);or,
 6. There is reasonable likelihood that the offense(s) would continue or resume, or the release of the juvenile would imminently endanger the safety of persons or property.

VIII. DEPENDENT CHILDREN

- A. Dependent children are defined as victims of child abuse, neglect, or molestation, children deserted by their parents, children whose parents have been arrested or hospitalized, or children otherwise in need of immediate protection as detailed in Welfare and Institutions Code § 300.

- B. If a child's welfare is in immediate danger, the officer should take the child to Polinsky Children's Center and complete and forward the appropriate report (ARJIS-9) to the SDPD Child Abuse Unit. Peace officers have the authority to remove a child and transport to Polinsky if the child is in immediate need of medical care or is in immediate danger of physical or sexual abuse.

IX. POLICE FACILITY DETENTIONS

Secure detention is currently prohibited in all police facilities. Juveniles shall not be locked in a room or enclosure and shall not be secured to a cuffing rail or other stationary object while in custody in a law enforcement facility for any length of time.

A. Non-secure Detention

1. Juveniles under non-secure detention may be handcuffed. However, they shall not be handcuffed to chairs, benches, handcuffing rails or other stationary objects.
 2. Juveniles held under non-secure detention shall be under constant observation and supervision by an officer; constant personal observation is required.
 3. Juveniles detained under Welfare and Institutions Code § 300 must be kept under continuous supervision and are not permitted to come into contact with adults in custody within the facility, per § 206 WIC.
 4. Juveniles detained at any San Diego Community College Police Department facility shall not be allowed to come into contact or remain in contact with adult arrestees.
 5. Juveniles in custody under Welfare and Institutions Code § 602 shall not be allowed to come into contact with juveniles in custody under Welfare and Institutions Code § 300 or 601, or Health & Safety Code § 5150.
 6. A non-secure detention may not exceed six hours. Juveniles may be held in law enforcement facilities only long enough for officers to investigate a crime, facilitate release of the juvenile to a parent, guardian, responsible relative, or adult designated by the parent. In all cases, within the six-hour limit, officers must use one of the dispositional options available to them. If the juvenile is going to be detained longer than six hours, the officer must transfer the juvenile to Juvenile Hall.
- B. Juveniles under non-secure detention at law enforcement facilities shall have the following amenities available to them:
1. Reasonable access to drinking water and/or other beverage;

2. Reasonable access to toilets and washing facilities;
 3. Privacy during visits with family, guardian, and/or lawyer;
 4. Provided with something to eat if he or she is in custody for four hours or is otherwise in need of nourishment. This includes any special diet required for the health or medical needs of the minor. If the juvenile has money, he or she should be provided access to facility vending machines, and:
 5. Provided the opportunity to complete at least two telephone calls no later than one hour after being taken into custody. Officers should use discretion in permitting long distance phone calls. Privacy only applies to phone calls to an attorney. The arresting officer should listen in on all other phone conversations.
- C. All officers who detain juveniles in a police facility will record the detention date, time in and time out, name and age of juvenile, offense and subsequent disposition, and the arresting officer's name and I.D. number on the standardized Juvenile Detention Log maintained at each College Police sub-station. The arresting officer is responsible for recording this information on the log at the time of the detention.

X. PROTECTION AND WELFARE OF JUVENILES

- A. Protection – the welfare and protection of all juveniles held in temporary custody is the responsibility of arresting officers and this Department.
- B. Discipline – discipline of any kind, including withholding any of the amenities noted previously, is not permitted. However, officers are to maintain control of juveniles according to accepted Department procedures.
- C. Suicide Risk and Prevention
1. If identified as a suicide risk, officers will maintain constant supervision of the juvenile.
 2. A juvenile who exhibits excessive agitation, despondency, or other distressed behavior should be under constant direct supervision of an officer. If the juvenile appears to be potentially suicidal, the juvenile should be taken to:

Children's Mental Health Services Emergency Screening Unit
730 Medical Center Court
Chula Vista, California
(619) 421-6900

3. Juveniles being transported to Juvenile Hall who claim to be suicidal are still accepted at Juvenile Hall. The medical staff at Juvenile Hall will evaluate the juvenile. Juvenile Hall has procedures in place to conduct a “suicide watch” on juveniles who threaten suicide.

D. Use of Restraints

1. Officers are to use discretion and good judgment in the use of physical restraints consistent with procedures outlined in Department Procedure 4.09, Handcuffing, Searching, and Transporting Procedures.
2. A juvenile who exhibits behavior necessitating the use of alternative restraints should be kept under continuous in-person observation for evidence of breathing difficulty or other symptoms of physical distress. A juvenile displaying such symptoms should receive immediate medical treatment.

E. Medical Assistance and Services

1. Officers should comply with any reasonable request for medical assistance.
2. Officers will render necessary medical assistance and/or services.
3. Officers will obtain appropriate medical care for any juvenile who is known to have ingested one or more intoxicating substances or appears to be under the influence of one or more intoxicating substance which could result in a medical emergency.

XI. REQUIRED REPORTS

- A. Officers must complete a Juvenile Contact Report (JCR) after taking a juvenile into custody for a criminal offense.
 1. If the juvenile is to be detained at Juvenile Hall, it is important that the JCR, the Declaration and Determination form, Affidavit and Application for Filing of Juvenile Court Petition, and the Crime Case be completed immediately and one copy left with the Juvenile Hall Intake Officer. The Declaration must include a description of the offense and the juvenile's involvement. If the officer does not include the elements of the offense in the reports, Juvenile Hall will immediately release the minor from custody.
 2. The only time a Declaration and Determination form, Affidavit and Application for Filing of Juvenile Court Petition, and Crime Case are not required is when the juvenile has been arrested for a Juvenile Detention Order or warrant.

Officers must explain in the JCR how they initially came into contact with the juvenile.

3. If the juvenile is detained at Juvenile Hall and it is not immediately possible to complete the Crime Case (ARJIS-2), the Crime Case must be taken the next day to the District Attorney's Juvenile Division. All other reports are required before the Intake Officer will accept the juvenile.
 4. On weekdays, between the hours of 0730 and 1600, the Intake Officer will direct the transporting officer to the District Attorney's Juvenile Division for a review of the reports before booking.
- B. If a juvenile has committed multiple traffic or criminal offenses, include all violations on a Juvenile Contact Report.

XII. PHOTOGRAPHING JUVENILES

- A. The policy of the San Diego Community College Police Department in regards to taking photographs of individuals is the same for juveniles and adults. An officer may photograph a person either in the field or at a police station under the following conditions:
1. The person is under arrest for a crime;
 2. The person is being detained as a suspect in a particular crime;
 3. The person is being legally detained for a criminal investigation; or,
 4. The person consents to being photographed.
- B. An officer who photographs a juvenile will notify the parent or guardian that photos were obtained. If photographs are obtained subsequent to a custodial arrest, the officer will include notification information in the JCR. If photographs are taken during a FI, the officer will include notification information in the "Comments" section of the FI form. Notification information includes the date and time of notification, as well as the name and telephone number of the person notified.
- C. If officers are unable to make parental notification, officers will include this in the JCR or FI. Notification then becomes the responsibility of the officer at a later time, or with the assistance of a College Police detective.

XIII. NOTIFICATION OF PARENT OR GUARDIAN

- A. Welfare and Institutions Code § 627 states that when an officer takes a minor to a place of confinement, he will take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the minor is in custody and the location in which the minor is being held. The means of notification should be noted in the JCR. When a parent or guardian cannot be notified, an explanation must be included on the JCR (i.e., "Parents reside out of the County" or "Unable to locate or identify parents on basis of information furnished by the subject").
- B. When notifying parents or guardians of minors residing within the City of San Diego, the arresting officer should make the notification by telephone when possible or leave a brief, written explanation of the circumstances at the residence.
- C. When notifying parents or guardians residing within the County of San Diego, the arresting officer should make the notification by telephone when possible or make a request to the juvenile's local police or Sheriff's Department to make the notification.
- D. When notifying parents or guardians residing outside the County of San Diego, the arresting officer will notify the parent or guardian by telephone or use the assistance of College Police Dispatch.

XIV. ADDITIONAL DEPARTMENT PROCEDURES RELATED TO JUVENILES

- A. For information related to missing and/or runaway juveniles, refer to SDPD Department Procedure 3.09, "At- Risk" Missing/Runaway Juveniles, and SDPD Department Procedure 3.10, Not "At- Risk" Missing/Runaway Juveniles.
- B. For information related to daytime loitering and truancy enforcement, refer to SDPD Department Procedure 3.11, Daytime Loitering Ordinance/Truancy.
- C. For information related to curfew violations, refer to SDPD Department Procedure 3.12, Curfew Ordinance Enforcement.